

### **Sec. 12-53. Duties of the department.**

The department shall provide or assure the provision of, including the following essential public health services:

- (1) Monitor health status to identify community problems;
- (2) Diagnose and investigate health problems and health hazards in the community;
- (3) Inform, educate and empower people about health issues;
- (4) Mobilize community partnerships and action to solve health problems;
- (5) Develop policies and plans that support individual and community health efforts;
- (6) Enforce laws and regulations that protect health and ensure safety;
- (7) Link people to needed personal health services and assure the provision of health care when otherwise available;
- (8) Assure an expert public health work force;
- (9) Evaluate effectiveness, accessibility and quality of health services; and
- (10) Research for new insights and innovative solutions to health problems.

(Ord. of 7-01)

### **Sec. 12-54. Condemnation appeals process.**

Any person aggrieved by an order issued by the director of health may, within forty-eight (48) hours after the making of such order, appeal to the commissioner of public health, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate, modify or affirm such order.

(Ord. of 7-01)

## **Chapter 13 HOUSING\***

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**\*Cross references:** Zoning committee, § 2-96 et seq.; buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8; flood and erosion control, Ch. 9; garbage, trash and refuse, Ch. 11; health, Ch. 12; home improvement business regulations, § 14-61 et seq.; parks and recreation, Ch. 17; pest control, Ch. 18; planning, Ch. 19; housing site development agency, § 19-40 et. seq.; streets, sidewalks and public places, Ch. 21; utilities, Ch. 23; zoning, App. A.

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Art. I. In General, §§ 13-1--13-15

Art. II. Code, §§ 13-16--13-250

Div. 1. Generally, §§ 13-16--13-35

Div. 2. Administration and Enforcement, §§ 13-36--13-75

Div. 3. Responsibilities of Owners and Occupants, §§ 13-76--13-95

Div. 4. Minimum Standards for Basic Equipment and Supplies, §§ 13-96--13-115

Div. 5. Minimum Standards for Light and Ventilation, §§ 13-116--13-130

Div. 6. Minimum Thermal Standards, §§ 13-131--13-140  
Div. 7. General Safe and Sanitary Maintenance Requirements, §§ 13-141--13-170  
Div. 8. Space, Use and Location Requirements, §§ 13-171--13-190  
Div. 9. Rooming Houses, §§ 13-191--13-225  
Div. 10. Trailers, §§ 13-226--13-235  
Div. 11. Reserved, §§ 13-236--13-250  
Art. III. Condominium Conversions, §§ 13-251--13-259  
Art. IV. Penalties, § 13-260

## **ARTICLE I. IN GENERAL**

### **Sec. 13-1. State law re abatement of nuisances in tenement houses--Adopted.**

The common council hereby adopts the provisions of sections 47a-56a to 47a-56i of the Connecticut General Statutes, relating to the abatement of nuisances in tenement houses.

(Ord. of 4-81)

### **Sec. 13-2. Same--Enforcement authority.**

The common council, pursuant to sections 47a-56a to 47a-56i, inclusive, of the general statutes, hereby appoints the office of the corporation counsel as the exclusive authority to carry out the above-stated provisions of such receivership statutes.

(Ord. of 4-81)

Secs. 13-3--13-15. Reserved.

## **ARTICLE II. CODE\***

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\***State law references:** Authority to make rules relating to maintenance of safe and sanitary housing, G.S. § 7-148(c)(7)(A)(i).

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## **DIVISION 1. GENERALLY**

### **Sec. 13-16. Citation.**

This article shall be known, and may be cited, as the "Minimum Housing Code of the City of New Britain."

(Code 1970, § 13-1.03; Ord. of 4-82)

### **Sec. 13-17. Purpose.**

- (a) It is hereby declared that the purpose of this article is to protect, preserve and promote the physical and mental health and social well-being of the residents of this municipality, to prevent and control the incidence of communicable and chronic disease, to avoid and eliminate the environmental hazards to health, to regulate privately and publicly owned

dwellings for the purpose of maintaining adequate sanitation and public health, to protect the safety of the people, and to promote the general welfare This article shall be applicable to all dwellings now in existence or hereafter constructed in this municipality.

- (b) It is hereby further declared that for all such dwellings this article shall:
- (1) Establish minimum standards for basic equipment and facilities for light, ventilation, air quality and thermal conditions;
  - (2) Establish minimum standards for basic equipment and facilities for safety from fire and accidents;
  - (3) Establish minimum standards for the use and location and amount of space for human occupancy;
  - (4) Establish minimum standards for the maintenance of a safe, sanitary and healthy environment.
- (c) In addition, this article will determine the responsibilities of owners, operators and occupants of dwellings and it will provide for the administration and enforcement of all aforesaid standards and responsibilities.

(Code 1970, § 13-1.01; Ord. of 4-82)

### **Sec. 13-18. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article.

All terms not defined in this article, shall have the meaning ascribed thereto in section 201.0 of the state building code, if defined in such code.

*Accessory building or structure* shall mean a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on the same premises with a dwelling.

*Appropriate authority* shall mean that person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code.

*Approved* shall mean approved by the local or state authority having such administrative authority.

*Ashes* shall mean the residue from the burning of combustible materials.

*Basement* shall mean the portion of the building partly underground, but having less than one-half its clear floor to ceiling height below the average grade of the adjoining ground.

*Cellar* shall mean the portion of the building partly underground, having one-half or more than one-half of its clear floor to ceiling height below the average grade of the adjoining ground.

*Central heating system* shall mean a single system supplying heat to one or more than one dwelling unit or more than one rooming unit.

*Chimney* shall mean a vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one or more flues for the purposes of removing products of combustion from solid, liquid or gaseous fuel.

*Dilapidated* shall mean no longer adequate for the purpose or use for which it was

originally intended; having fallen into partial ruin or decay.

*Dwelling* shall mean any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating by human occupants; provided that, temporary housing as defined in this section, shall not be regarded as a dwelling.

*Dwelling unit* shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used or intended to be used by a single family for living, sleeping, cooking and eating purposes.

*Egress* shall mean an arrangement of exit facilities to assure a safe means of exit from buildings.

*Enforcement officer* shall mean the official designated herein or otherwise charged with the responsibilities of administering this article, or his authorized representative.

*Extermination* shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination method approved by the enforcing officer.

*Family* shall mean any number of individuals, related by blood or legal adoption or by marriage, living and cooking together on the premises as a single housekeeping unit. When five (5) or fewer individuals not related by blood or by marriage do live and cook together on the premises as a single housekeeping unit, such individuals, not exceeding five (5), may be considered a "family."

*Flush water closet* shall mean a toilet bowl flushed with water under pressure with a water sealed trap above the floor level.

*Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food; and shall also mean combustible waste material.

*Guest* shall mean any person who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.

*Gross floor area* shall mean the total area of all habitable space in a building or structure.

*Habitable room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty (50) square feet of floor space, foyers or communicating corridors, stairways, closets, storage space and workshops, hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics.

*Heated water* shall mean water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit, at the outlet.

*Housing official* shall mean the official charged with the administration and enforcement of this article, or his authorized representative.

*Infestation* shall mean the presence, within or around a dwelling or other structure, of insects, rodents or other pests.

*Kitchen* shall mean any room used for the storage of foods, preparation of foods and containing any or all of the following equipment: sink and/or other device for dish washing; stove or other device for cooking; and refrigerator or other device for cool storage of food.

*Kitchenette* shall mean a small kitchen or an alcove containing cooking facilities.

*Kitchen sink* shall mean a sink of size and design adequate for the purpose of washing eating and drinking utensils, located in the kitchen, properly connected with a cold and hot water line.

*Lavatory sink* shall mean a handwashing basin which is properly connected with both a hot and cold water line and which is separate and distinct from a kitchen sink.

*Lead paint* shall mean any pigmented, liquid substance applied to surfaces by brush, roller or spray in which the total non-volatile ingredient contains more than one per cent of lead, by weight, calculated as metallic lead.

*Meaning of certain words.* Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," and "structure" are used in this ordinance they shall be construed as though they were followed by the words "or any part thereof."

*Multiple dwelling or multi-family dwelling* shall mean any dwelling containing more than two (2) dwelling units and/or rooming units.

*Occupant* shall mean any person over one year of age living, sleeping, cooking or eating in, or actually having possession of, a dwelling or rooming unit.

*Operator* shall mean any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

*Ordinary summer conditions* shall mean a temperature ten (10) degrees Fahrenheit below the highest recorded out-of-doors temperature in the locality for the prior ten (10) year period.

*Ordinary winter conditions* shall mean a temperature fifteen (15) degrees Fahrenheit above the lowest recorded out-of-doors temperature in the locality for the prior ten (10) year period.

*Owner* shall mean any person who, alone or jointly or severally with others:

- (1) Shall have legal title to any premise, dwelling or dwelling unit, with or without accompanying actual possession thereof, or
- (2) Shall have charge, care or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

*Permissible occupancy* shall mean the maximum number of persons permitted as family or household to reside in a dwelling unit or rooming unit based upon the square footage per person in habitable rooms.

*Plumbing* shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water

closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, septic tank system, or gas lines.

*Potential hazardous material* shall mean any material, including building material, containing lead and/or other toxic heavy metal compound in concentrations dangerous to the public health as deemed by the state department of health.

*Premises* shall mean a platted lot or part thereof, or unplatted lot or parcel of land, or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure, and includes any such building, accessory structure, or other structures therein.

*Privacy* shall mean the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted persons.

*Properly connected* shall mean connected in accordance with the ordinances of the city and the laws of the state as from time to time enforced; provided, however, that, the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

*Rat harborage* shall mean any conditions or place where rats can live, nest, or seek shelter.

*Ratproofing* shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats climbing, burrowing or other methods, by the use of materials impervious to rat gnawing, and other methods approved by the director of health.

*Refuse* shall mean all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

*Refuse container* shall mean a watertight container that is constructed of metal or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers as have been approved by the appropriate authority. Openings to the container such as covers and doors shall be tight fitting.

*Rooming house* shall mean any dwelling, other than a hotel or motel, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to five (5) or more persons who are not members of a single family.

*Rooming unit* shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Rubbish* shall mean nonputrescible solid wastes (excluding ashes) consisting of:

- (1) Combustible wastes as old batteries, paint scrapings, paper, cardboard, plastic containers, yard clippings, wood, and
- (2) Noncombustible wastes as tin cans, glass, crockery, dust.

*Safety* shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.

*Septic tank* shall mean a receptacle, usually underground, to which sewage is drained and retained, to effect disintegration of the organic matter by bacteria, and as defined in section 19-13-B20A of the Connecticut Public Health Code.

*Supplied* shall mean paid for, furnished, provided by or under the control of the owner or operator.

*Temporary housing* shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

*Tenement house* shall mean any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of three (3) or more families, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yard.

*Toilet* shall mean a water closet with bowl and trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water under pressure so that no fecal matter will collect on the surface of the bowl and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rim.

*Toxic substance* shall mean any chemical product applied on the surface of, incorporated into or contained in any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

*Undefined words* not specifically defined in this article or in section 201.0 of the state building code shall have the common definitions set forth in a standard dictionary.

*Ventilation* shall mean the process of supplying and removing air by natural or mechanical means to or from any space.

*Workmanlike manner* shall mean that such maintenance and repair shall be made in a reasonable skillful manner as is generally acceptable in the applicable trade or industry.

(Code 1970, §§ 13-2.01--13-2.48, 13-2.50--13-2.59; Ord. of 4-82)

**Cross references:** Definitions and rules of construction generally, § 1-2.

### **Sec. 13-19. Applicability of article.**

The provisions of this article shall apply uniformly to the construction, maintenance, use and occupancy of every portion of a building or its premises used or intended to be used for the purpose of dwelling, living, eating, sleeping, cooking therein, or occupancy, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing residential buildings and structures within the city irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated.

(Code 1970, § 13-1.02; Ord. of 4-82)

### **Sec. 13-20. Application of building code and state fire safety code.**

Any additions to buildings or changes of use therein which may be caused directly or indirectly by the enforcement of this article shall be done in accordance with the applicable sections of the state basic building code and the state fire safety code, regardless of when the dwelling was originally erected.

(Code 1970, § 13-1.04; Ord. of 4-82)

#### **Sec. 13-21. Application of zoning law.**

Nothing in this article shall permit the establishment or conversion of a multi-family dwelling in any zone except where permitted by the zoning regulations of the city; nor shall this article permit continuation of such non-conforming use in any zone except as provided in such zoning regulations.

(Code 1970, § 13-1.05; Ord. of 4-82)

#### **Sec. 13-22. Travel trailers and mobile homes.**

All movable units used for human habitation and the areas, ground or parcels on which they are located shall comply with the regulations of this article unless the definition of "temporary housing" set out in section 13-81 of this article shall apply.

(Code 1970, § 13-1.06; Ord. of 4-82)

#### **Sec. 13-23. Effect of article on existing remedies.**

Nothing in this article shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed dangerous, unsafe or unsanitary.

(Code 1970, § 13-1.07; Ord. of 4-82)

#### **Sec. 13-24. Conflict with other ordinances.**

Except as provided in section 13-23, in any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this municipality existing on the effective date of the code from which this article is derived, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

(Code 1970, § 13-1.08; Ord. of 4-82)

Secs. 13-25--13-35. Reserved.

### **DIVISION 2. ADMINISTRATION AND ENFORCEMENT**

#### **Sec. 13-36. Chief building inspector--Responsibilities generally.**

- (a) The chief building inspector shall enforce the provisions of this article, and he is hereby authorized and directed to make inspections as authorized by section 13-37; or in



response to a complaint that an alleged violation of the provisions of this article or of applicable rules or regulations pursuant thereto may exist; or when either the chief building inspector or the director of health has valid reason to believe that a violation of this article or any rule or regulation pursuant thereto has been or is being committed.

- (b) The responsibility of the chief building inspector for the enforcement of this article does not relieve or preclude the director of health from enforcement jurisdiction over environmental health concerns, i.e. discontinuance of services as supplied heat, water and/or heated water; the presence of leadbased paint; approval of poisons used for rodent control; approval of ventilation devices; rooming house permits and violation notification; sewer connections; overcrowding in dwelling units; litter and garbage control; approval of space below grade as habitable rooms; and, the presence of roaches, vermin and/or rodents which are, or could be, detrimental to the public health.

(Code 1970, § 13-11.01; Ord. of 4-82)

### **Sec. 13-37. Same--Adoption of plans of inspection.**

- (a) The chief building inspector is hereby authorized and directed to develop and adopt plans for the inspection of dwelling units subject to the provisions of this article, including:
  - (1) A plan for the periodic inspection of multiple dwellings and rooming houses subject to the provisions of division 9 of this article, governing the licensing of the operation of such buildings.
  - (2) A plan for the systematic inspection of dwelling units contained within the city as may from time to time be designated by the chief building inspector.
- (b) Before making inspections pursuant to a plan authorized in subparagraph (a)(1) and (2) of this section, the chief building inspector shall advise the public of the plan to inspect.

(Code 1970, § 13-11.02; Ord. of 4-82)

### **Sec. 13-38. Same--Adoption of rules and regulations for enforcement.**

- (a) The chief building inspector is hereby authorized to make and, after a public hearing has been held in accordance with the laws governing the conduct of public hearings, to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this article, except as hereinafter provided.
- (b) No such rule or regulation shall be in conflict with the provisions of this article.
- (c) The chief building inspector shall file certified copies of all rules and regulations which they may adopt with the town clerk of the city.
- (d) Such rules and regulations shall have the same force and effect as the provisions of this article, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this article.

(Code 1970, § 13-11.05; Ord. of 4-82)

### **Sec. 13-39. Authorization to inspect; right of entry; purpose; policy re notice.**

- (a) The chief building inspector and the director of health are hereby authorized and directed to make periodic inspections by and with the consent of the owner, occupant, or person in charge, to determine the condition of dwellings, dwelling units, rooming houses, rooming units, hotels, hotel units, and premises located within the city for the purpose of determining compliance with the provisions of this article.
- (b) For the purpose of making such inspections, the chief building inspector and the director of health, with the consent of the owner, occupant, or person in charge, are hereby authorized to enter, examine and survey between the hours of 8:00 a.m. and 6:00 p.m. all dwellings, dwelling units, rooming houses, rooming units, hotels and hotel units, and premises, or at such other time which is mutually satisfactory to and agreed upon by the chief building inspector or the director of health and the owner, operator or occupant of the dwelling, dwelling unit, rooming house, rooming unit, hotel or hotel unit.
- (c) Such inspection, examination or survey shall not have for its purpose harassment of such owner, operator or occupant. Such inspection, examination or survey shall be made in a manner that will cause the least amount of inconvenience to such owner, operator or occupant, consistent with an efficient performance of the duties of the inspecting officer.
- (d) To further ensure that the policy of this article, which is to achieve compliance through cooperation of owners or operators and occupants, be successfully maintained, it shall be the practice of the chief building inspector and the director of health, whenever practicable, to provide reasonable advance notice to owners, operators and/or occupants of any planned blanket inspection or any inspections of a routine nature.

(Code 1970, § 13-11.06; Ord. of 4-82)

**Sec. 13-40. Owner or occupant to grant right-of-entry; search warrant to be obtained upon denial; emergency right-of-entry; penalty.**

- (a) The owner or occupant of every dwelling, dwelling unit, rooming house, rooming unit, hotel and hotel unit, or the person in charge thereof, upon presentation by the director of health or the chief building inspector, or their authorized representative, of proper identification, shall give the enforcing officer entry and free access to such dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit, and its premises, provided that no inspection shall be conducted except during the hours designated in section 13-39.
- (b) Whenever an owner, operator or occupant of a dwelling unit, dwelling, rooming unit, rooming house, hotel, hotel unit or premises shall deny the enforcing officer right of entry for the purpose of inspection, examination or survey, the enforcing officer shall not so enter until he presents a duly granted search warrant describing the dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit or premises to the owner, operator or occupant thereof.
- (c) Nothing in this section shall be construed to preclude the entry of the chief building inspector or the director of health or their authorized representatives at any time when, in their judgment, an emergency tending to create an immediate danger to the public health, welfare or safety exists, or when such entry is required by the owner, operator or occupant of the dwelling, or when the enforcing officer presents a duly issued search

warrant to such owner, operator or occupant.

- (d) Any owner, operator or occupant of a dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit or premises, after such notification, refusing to permit, or impeding, entry of and free access to any part of any dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit or premises for the purposes of inspection, examination or survey under the provisions of this section or in violation of a court order obtained from a court of competent jurisdiction shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in section 1-15 of this Code for each offense.

(Code 1970, § 13-11.07; Ord. of 4-82)

#### **Sec. 13-41. Citizens' complaints; authorization to inspect.**

The chief building inspector and the director of health are also authorized and directed to make inspections in response to a complaint, written or verbal, that an alleged violation of the provisions of this article or of the applicable rules or regulations pursuant thereto has been committed, or when they have valid reason to believe that a violation of this article or any rules and regulations pursuant thereto has been committed.

(Code 1970, § 13-11.08; Ord. of 4-82)

#### **Sec. 13-42. Inspections to be made at reasonable times; all buildings.**

The chief building inspector and the director of health are hereby authorized to enter and inspect at any reasonable time all dwellings, dwelling units, rooming units and their surrounding premises subject to the provisions of this article and for the purpose of determining whether there is compliance with its provisions.

(Code 1970, § 13-11.09; Ord. of 4-82)

#### **Sec. 13-43. Notice of inspection.**

The owner of record, operator and the occupant of a dwelling, dwelling unit or rooming unit shall be notified in writing at least seven (7) days in advance of a planned routine inspection. The owner shall be notified at his last known address.

(Code 1970, § 13-11.10; Ord. of 4-82)

#### **Sec. 13-44. Entry and free access upon presentation of necessary documents.**

The owner, operator or occupant of a dwelling, dwelling unit or rooming unit, upon presentation by the chief building inspector or the director of health of proper identification, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, shall give the chief building inspector or the director of health or their authorized representatives entry and free access to every part of the dwelling, dwelling unit, rooming unit and premises.

(Code 1970, § 13-11.11; Ord. of 4-82)

#### **Sec. 13-45. Occupant to permit free access for repairs and alterations.**

Every occupant of a dwelling, dwelling unit or rooming unit shall give the owner, his agent or employee free access to any part of the dwelling, dwelling unit, rooming unit or their surrounding premises, at any reasonable time agreeable to both parties, for the purpose of making repairs or alterations necessary to effect compliance with the provisions of this article or any rule or regulation adopted or any order issued pursuant thereto.

(Code 1970, § 13-11.12; Ord. of 4-82)

#### **Sec. 13-46. Judicial remedy on interference with inspection.**

If any owner, operator, or occupant of a dwelling, dwelling unit or rooming unit subject to the provisions of this article refuses, impedes, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this article is sought, the chief building inspector or the director of health may seek in a court of competent jurisdiction an order that such owner, occupant or other person in charge cease and desist with such interference or the chief building inspector or the director of health may seek in a court of competent jurisdiction authorization of a warrant to search the premises.

(Code 1970, § 13-11.13; Ord. of 4-82)

#### **Sec. 13-47. Condemnation of unfit buildings--Defects requiring condemnation of building; placarding.**

Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the director of health:

- (1) Any dwelling or dwelling unit that is so damaged, decayed, or dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health and safety of the occupants or of the public;
- (2) Any dwelling or dwelling unit that lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
- (3) Any dwelling or dwelling unit that, because of its general condition or location, is unsanitary or otherwise dangerous to the health, welfare or safety of the occupants or of the public.

(Code 1970, § 13-12.01; Ord. of 4-82)

#### **Sec. 13-48. Same--Notice of condemnation required.**

The owner and all persons holding equitable interests in any structure which has been condemned as unfit for human habitation shall be given notice of this determination in the manner provided for service of notice in sections 13-53 and 13-54.

(Code 1970, § 13-12.02; Ord. of 4-82)

#### **Sec. 13-49. Same--Condemned building to be vacated.**

Any dwelling, dwelling unit or rooming unit condemned as unfit for human habitation, and

so designated and placarded by the director of health shall be vacated within a reasonable time as ordered by the director of health.

(Code 1970, § 13-12.03; Ord. of 4-82)

**Sec. 13-50. Same--Approval to reoccupy condemned building required.**

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and the placard is removed by, the director of health. The director of health shall remove the placard whenever the defect or defects upon which the condemnation and placarding action was based have been eliminated.

(Code 1970, § 13-12.04; Ord. of 4-82)

**Sec. 13-51. Same--Defacing or removing placard prohibition.**

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in section 13-50.

(Code 1970, § 13-12.05; Ord. of 4-82)

**Sec. 13-52. Same--Hearing on condemnation notice or order.**

Any person aggrieved by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the housing board of appeals under the procedure set forth in sections 13-55 through 13-57.

(Code 1970, § 13-12.06; Ord. of 4-82)

**Sec. 13-53. Notice of violations--Contents.**

- (a) Whenever the chief building inspector or the director of health determines that there are reasonable grounds to believe that any dwelling, dwelling unit, rooming unit, or the premises surrounding any of these, fails to meet the requirements of this article or any rule or regulation adopted pursuant thereto, he shall issue a notice setting forth the alleged failures, and advising the owner, occupant or other person in charge that such failures must be corrected.
- (b) Such notice shall:
  - (1) Be in writing;
  - (2) Indicate the specific dwelling unit(s) failing to meet the requirements of this article;
  - (3) Set forth the alleged violations of this article or of any rule or regulation adopted pursuant thereto;
  - (4) Provide a reasonable time for the correction of any violation alleged, and specify a date for completion of correction(s).

- (c) Such notice may also contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article and with any applicable rule or regulation adopted pursuant thereto.

(Code 1970, § 13-11.15; Ord. of 4-82)

#### **Sec. 13-54. Same--Service.**

A notice of violation issued under this article shall be served upon the owner, his agent, or the occupant or other person in charge of the dwelling, dwelling unit or rooming unit personally, or by registered mail addressed to the last known address of the owner, occupant or other person in charge. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice in or about the dwelling, dwelling unit or rooming unit described in the notice, or by any other method authorized and required under the laws of the state.

(Code 1970, § 13-11.14; Ord. of 4-82)

#### **Sec. 13-55. Same--Hearing; filing of petition; notice.**

- (a) Any person aggrieved by any notice issued in connection with any alleged violation of any provision of this article, or of any rule or regulation adopted pursuant thereto, shall be granted a hearing before the housing board of appeals, provided he shall file in the office of the housing board of appeals a written petition requesting the hearing and setting forth a brief statement of his complaint within ten (10) days after the notice has been served.
- (b) Upon receipt of the petition, the housing board of appeals shall meet within a reasonable time for the hearing of the appeal and shall advise the petitioner in writing of the time and place where the appeal will be heard.
- (c) Advance notice of the time, date and location of the hearing of the appeal shall be mailed by the enforcing officer issuing the violation notice to occupants of all dwelling units affected by the violation notice or any rule or regulation adopted pursuant to this article.

(Code 1970, § 13-11.20; Ord. of 4-82)

#### **Sec. 13-56. Same--Modification, withdrawal or sustaining of notice; notice becomes order under certain circumstances.**

- (a) After the hearing as provided in section 13-55, the chief building inspector or the director of health shall sustain, modify or withdraw the notice of violation in accordance with the findings of the housing board of appeals as to whether the provisions of this ordinance and any applicable rules or regulations adopted pursuant thereto have been complied with.
- (b) If the housing board of appeals sustains or modifies a notice of violation, it shall be deemed to be an order.
- (c) Any notice of violation served under this article shall automatically become an order if a written petition for hearing is not filed in the office of the housing board of appeals within

ten (10) days after the notice is served.

(Code 1970, § 13-11.21; Ord. of 4-82)

### **Sec. 13-57. Same--Judicial review of decision of board on appeal.**

Any person aggrieved by the final decision of the housing board of appeals on a notice of violation of this article may obtain judicial review in any court of competent jurisdiction as provided by the laws of the state by filing that appeal within fifteen (15) days of the final decision of the board. A copy of any petition filed with a court of competent jurisdiction shall be transmitted to the housing board of appeals.

(Code 1970, § 13-11.22; Ord. of 4-82)

### **Sec. 13-58. Emergency order effective immediately; appeal.**

- (a) Whenever the chief building inspector finds that an emergency exists which requires immediate action to protect the public health, safety or welfare, he may, without notice or hearing, issue an order reciting the existence of the emergency and direct the owner, occupant or other person in charge of the structure to which the provisions of this article or applicable rules and regulations pursuant thereto apply to take such action as is necessary to correct or abate the emergency.
- (b) Any person to whom an emergency order is directed shall comply with the order immediately, but upon petition to the chief building inspector shall be afforded a hearing as soon as possible, but in no event later than forty-eight (48) hours after the emergency order is served. After the hearing, depending upon his finding as to whether the provisions of this article or any applicable rules and regulations adopted pursuant thereto have been complied with, or if substantive compliance has been initiated, the chief building inspector shall continue the order in effect, modify or revoke it.
- (c) The provisions of this article listed below shall be considered emergency situations. Whenever the chief building inspector finds that such emergency situations exist, paragraphs (a) and (b) of this section shall apply. In the case of any of the provisions listed below, action to correct the violation shall be completed to the satisfaction of the chief building inspector within five (5) days following issuance of the emergency order. Reinspection by the enforcing officer of the property in violation of the provisions listed below shall occur within two (2) business days after the five (5) days allowed for correction of the violation. In the event of failure on the part of the owner, operator or occupant to whom the emergency order was issued to comply with the emergency order, the chief building inspector shall immediately notify the city's corporation counsel who shall initiate proceedings against the violator in the housing session of the superior court for the judicial district of Hartford--New Britain. Provisions of this article which are to be considered emergency situations when violation of such provisions exists are:
  - (1) *Structural safety*, section 13-151(a).
  - (2) *Supplied facilities*, 13-132, 13-155 and 13-157.
  - (3) *Basic equipment*, 13-96 through 13-103.

See also state basic building code section 124.0, unsafe buildings.

(Code 1970, § 13-11.16; Ord. of 4-82)

**Sec. 13-59. Other violations; procedures.**

- (a) Whenever the chief building inspector or the director of health has issued a notice of violation (see section 13-53) of any provision of this article with the exception of those emergency situations cited in section 13-58, the person to whom the notice of violation is directed shall comply with the order immediately, but shall be granted a hearing before the housing board of appeals provided he shall comply with section 13-55 and shall file a written petition within ten (10) days after the notice of violation is served.
- (b) After a hearing before the housing board of appeals, if the notice of violation order remains in effect, the enforcing officer, the chief building inspector or the director of health shall reinspect the premises within thirty (30) days of the date upon which the notice of violation was issued.
- (c) If the violation order is not complied with within that thirty-day period, the chief building inspector or the director of health shall immediately notify the city's corporation counsel who shall initiate appropriate legal action. The chief building inspector or the director of health shall at the same time place a certificate of violation on the appropriate land records in the office of the town clerk of the city.

(Code 1970, § 13-11.17; Ord. of 4-82)

**Sec. 13-60. Housing board of appeals--Creation.**

A housing board of appeals is hereby created which shall consist of five (5) electors of the city, appointed by the mayor subject to the concurrence of a majority of the council present. All subsequent terms shall be for a period of five (5) years. Each board member shall serve until his successor has been duly appointed and qualified.

(Code 1970, § 13-11.18; Ord. of 4-82)

**Sec. 13-61. Same--Public meetings; minutes.**

All meetings of the housing board of appeals shall be public. The board shall keep written minutes of its proceedings. A record of its decisions including the voting and attendance records of its members shall be on file with the town clerk of the city. Such record shall also include a copy of every notice or order issued in connection with every complaint heard by the housing board of appeals.

(Code 1970, § 13-11.19; Ord. of 4-82)

**Sec. 13-62. Violation penalties--State basic building code.**

Any person who shall violate a provision of the state basic building code or shall fail to comply with any of the requirements thereof or shall erect, construct, alter or repair a building or structure in violation of any approved plan or directive of the building official, or of a permit or certificate issued under the provision of the state basic building code shall be penalized as is specified in the state basic building code.



(Code 1970, § 13-11.23; Ord. of 4-82)

**Sec. 13-63. Same--Minimum housing code.**

Any owner, operator or occupant of a dwelling, dwelling unit or rooming unit who causes damage, fails to maintain properly, or alters such dwelling, dwelling unit or rooming unit to an extent which causes the violation of one or more provisions of this article, the minimum housing code, shall be guilty of a misdemeanor, punishable as provided in section 1-15 of this Code.

(Code 1970, § 13-11.24; Ord. of 4-82; Ord. of 7-82)

**Sec. 13-64. Same--Unlawful continuance.**

Any person who shall continue work in or about the building after having been served with a stop work order, except such work as he is directed to perform to remove a violation or unsafe condition, shall be liable to punishment as provided in section 1-15 of this Code.

(Code 1970, § 13-11.25; Ord. of 4-82)

**Sec. 13-65. Same--Other penalties.**

Every person who shall violate any order of the board of health commissioners or its officers or any order or ordinance of the city relating to health for which no other penalty is provided, shall be subject to punishment as provided in section 1-15 of this Code.

(Code 1970, § 13-11.26; Ord. of 4-82)

Secs. 13-66--13-75. Reserved.

**DIVISION 3. RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

**Sec. 13-76. Dwellings and premises to be clean, sanitary and fit before occupancy.**

No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the surrounding premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state and the city, including obtaining a certificate of occupancy from the building department of the city.

(Code 1970, § 13-3.01; Ord. of 4-82)

**Sec. 13-77. Owner to keep shared or public areas sanitary.**

Every owner of a dwelling containing two (2) or more dwelling units shall maintain the shared or public areas of the dwelling and the premises thereof in a clean and sanitary condition.

(Code 1970, § 13-3.02; Ord. of 4-82)

**Sec. 13-78. Occupant to maintain premises in sanitary condition.**

Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

(Code 1970, § 13-3.03; Ord. of 4-82)

**Sec. 13-79. Responsibilities of tenants; tenant liability.**

Every occupant of a dwelling or dwelling unit causing damage to such premises so that it does not comply with the requirements of this article shall be subject to the penalties hereof, and shall be responsible for all damage beyond that wear caused by normal use, care and maintenance to the real property within such occupant's possession or control. The provisions of this section shall not relieve the owner of the responsibility of repair.

(Code 1970, § 13-3.04; Ord. of 4-82)

**Sec. 13-80. Safe and sanitary disposal of rubbish.**

Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by section 13-82.

(Code 1970, § 13-3.05; Ord. of 4-82)

**Sec. 13-81. Safe and sanitary storage of garbage and organic waste.**

Every occupant of a dwelling or dwelling unit shall store and dispose of all his garbage, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary and safe manner. All garbage cans and refuse containers shall be rat-proof, insect-proof, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight-fitting covers or similar closures, and shall be maintained at all times in a clean and sanitary condition. Plastic bags may be used as garbage and refuse containers liners, but shall not be used without the container for on-site storage of garbage or refuse. All bulk storage containers shall be equipped with self-losing lids.

(Code 1970, § 13-3.06; Ord. of 4-82)

**Sec. 13-82. Facilities for storage or disposal of garbage and rubbish required.**

- (a) Every owner of a dwelling containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single- or two (2) family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers.
- (b) The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the needs of the permitted number of occupants of the dwelling. Garbage receptacles shall be placed in a common area located at least ten (10) feet from any dwelling unit. If such location of containers is not practical, the common area for location of refuse and/or garbage containers must be approved by the

chief building inspector or the director of health or their authorized representatives.

(Code 1970, § 13-3.07; Ord. of 4-82)

### **Sec. 13-83. Screening.**

- (a) From April first to October fifteenth of each year, every door opening directly from any dwelling unit or multi-family dwelling to the outdoors, and every window or other outside opening used for ventilation purposes, shall be supplied by the owner or operator with approved screening, and every swinging screen door shall have a self-closing device in good working condition.
- (b) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry to rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.
- (c) In the absence of a written agreement to the contrary, maintenance or replacement of screens, storm doors and windows once installed and in good working order in any one season, become the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit.
- (d) For approved screening see the state basic building code.

(Code 1970, § 13-3.08; Ord. of 4-82)

### **Sec. 13-84. Extermination of insects and rodents.**

- (a) *Responsibilities of occupants.* Every occupant of a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. Every occupant of a dwelling unit, in a dwelling containing more than one unit, shall be responsible for such extermination whenever his dwelling unit is the only one infested.
- (b) *Responsibilities of owners.* Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.

(Code 1970, § 13-3.09; Ord. of 4-82)

### **Sec. 13-85. Rubbish accumulation.**

- (a) No owner or occupant of a dwelling, dwelling unit or structure shall accumulate rubbish, boxes, lumber, scrap metal or any other material in such a manner that may provide a rodent harborage or rodent food in or about any dwelling, dwelling unit or structure.
- (b) Materials stored by the owner, or permitted to be stored by the owner, shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground floor.

(Code 1970, § 13-3.10; Ord. of 4-82)

**Sec. 13-86. Care to be exercised in the use and operation of plumbing fixtures.**

Every occupant of a dwelling unit or structure shall keep all plumbing fixtures in a clean and sanitary condition, and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(Code 1970, § 13-3.11; Ord. of 4-82)

**Sec. 13-87. Overloading electric capacity.**

It shall be the sole responsibility of a tenant or the one who occupies a dwelling to comply with the provisions of the ordinances of the city regulating the overloading of the electric capacity of a dwelling unit by the illicit use of extension cords.

(Code 1970, § 13-3.12; Ord. of 4-82)

**Sec. 13-88. Supplied heat; supplied heated water.**

- (a) In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-five (65) degrees Fahrenheit shall be maintained in all habitable rooms, bathroom, and water closet compartments at a distance of thirty-six (36) inches above the floor level. Supplied heated water must be heated at all times to one hundred twenty (120) degrees Fahrenheit at the outlet.
- (b) The director of health may require that a temperature of at least sixty-eight (68) degrees Fahrenheit be maintained in all habitable rooms when the occupants are elderly, very young or chronically ill.

(Code 1970, § 13-3.13; Ord. of 4-82)

**State law references:** Similar provisions, G.S. § 19-65.

**Sec. 13-89. Toxic substances.**

Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit free from hazards to health due to the presence of toxic substances, i.e., lead-based paint, noxious weeds, etc., as determined by the director of health.

(Code 1970, § 13-3.14; Ord. of 4-82)

**State law references:** Rights and responsibilities of landlord and tenant, G.S. § 47a-1.

Secs. 13-90--13-95. Reserved.

**DIVISION 4. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND SUPPLIES****Sec. 13-96. Compliance with division required.**

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for

the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this division.

(Code 1970, § 13-4.01; Ord. of 4-82)

### **Sec. 13-97. Kitchen sink required.**

Every dwelling unit shall contain a kitchen sink in good working condition, apart from the lavatory sink required in section 13-100, and properly connected to a water and sewer or septic system approved by the director of health, and which can provide at all times an adequate amount of heated and unheated running water under pressure.

(Code 1970, § 13-4.02; Ord. of 4-82)

### **Sec. 13-98. Provision for stove and refrigerator.**

Both a stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food at temperatures less than forty-five (45) degrees Fahrenheit but more than thirty-two (32) degrees Fahrenheit under ordinary summer conditions shall be properly installed with all necessary connections for safe, sanitary and efficient operation; provided, however, that, such stove, refrigerator, and/or similar devices, need not be installed when the dwelling unit is not occupied and when the occupant is expected to provide the same at time of occupancy. In that case, a sufficient space for the safe and efficient installation and operation of such stove, refrigerator and/or similar devices shall be provided.

(Code 1970, § 13-4.03; Ord. of 4-82)

### **Sec. 13-99. Flush water closet required.**

Every dwelling unit shall contain a non-habitable room which affords privacy to a person within such room and which is equipped with a flush water closet in good working condition. Such flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure so as to cause the water closet to be operated properly, and it shall also be connected to a sewer system or septic system which has been approved by the director of health.

(Code 1970, § 13-4.04; Ord. of 4-82)

### **Sec. 13-100. Lavatory sink required.**

- (a) Every dwelling unit shall contain a lavatory sink. Such lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading into the room in which such water closet is located. The lavatory sink shall be in good working condition and properly connected to a sewer or septic system which has been approved by the appropriate authority.
- (b) The chief building inspector may waive the requirements for a lavatory sink if, upon inspection, he finds that there is no practical way in which the smallest commercially available lavatory sink can be installed.

(Code 1970, § 13-4.05; Ord. of 4-82)

### **Sec. 13-101. Bathtub or shower required.**

Every dwelling unit shall contain within a nonhabitable room which affords privacy to a person within such room, a bathtub or shower in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which can provide at all times an adequate amount of heated and unheated running water under pressure. Such bathtub or shower shall be properly connected to a sewer or septic system which is approved by the appropriate authority.

(Code 1970, § 13-4.06; Ord. of 4-82)

### **Sec. 13-102. Means of egress from dwelling unit required.**

- (a) Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the state and of the city.
- (b) Access to or egress from each dwelling unit shall be provided without passing through the habitable rooms of any other dwelling unit.

(Code 1970, § 13-4.07; Ord. of 4-82)

**State law references:** Required stairways and fire escapes, G.S. § 19-386.

### **Sec. 13-103. Positive locking device required.**

No person shall let to another for occupancy any dwelling or dwelling unit unless every exterior door is equipped with a safe, functioning locking device requiring engagement after closing the door, and if such locking device contains a throw bolt, then such throw bolt, when in locked position, shall have a throw of not less than five-eighths of an inch, provided that no such positive locking device shall contain a beveled latch.

(Code 1970, § 13-4.08; Ord. of 4-82)

### **Sec. 13-104. Smoke detectors in residential structures.**

- (a) A "smoke detector" is a device approved by a national accepted testing laboratory and as defined by the state fire safety code.
- (b) Every dwelling unit in a residential structure that contains more than two (2) dwelling units shall be provided with at least one smoke detector permanently connected to a standard one hundred twenty (120) volt AC supply or operated by a self-contained battery with a minimum of one year of life.
- (c) Every structure containing more than two (2) dwelling units shall be provided with a smoke detector at the head of each stairway leading to an occupied area.
- (d) Smoke detectors placed in such dwelling units shall be placed on the main sleeping level so as to properly monitor all sleeping rooms and shall be located so as to meet the approval of the fire marshal.
- (e) A smoke detector, even though installed in accordance with this section, if allowed to be connected to a switch-off circuit or if inoperable because of battery deterioration, shall be

considered to be in non-compliance with this section.

(Code 1970, § 13-4.09; Ord. of 4-82)

Secs. 13-105--13-115. Reserved.

## **DIVISION 5. MINIMUM STANDARDS FOR LIGHT AND VENTILATION**

### **Sec. 13-116. Compliance with division required.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the requirements of this division.

(Code 1970, § 13-5.01; Ord. of 4-82)

### **Sec. 13-117. Minimum window or skylight areas required.**

- (a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be not less than ten (10) per cent of the floor area of such room. Wherever walls or other light-obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.
- (b) Whenever the only window in a room is the skylight-type window in the top of such room, the total window area of such skylight shall be at least fifteen (15) per cent of the total floor area of such room.

(Code 1970, § 13-5.02; Ord. of 4-82)

### **Sec. 13-118. Operable window or skylight areas required.**

Every habitable room shall have at least one window or skylight facing directly to the outdoors which can be opened easily, or the room shall be equipped with a device that will adequately ventilate the room. If no such ventilating device is furnished, the total operable window area (or skylight area) in every habitable room shall be equal to at least forty-five (45) per cent of the minimum window area size or minimum skylight-type window size, as required in section 13-117 of this article. Any other ventilating device shall afford adequate ventilation and must be approved by the chief building inspector and the director of health of the city.

(Code 1970, § 13-5.03; Ord. of 4-82)

### **Sec. 13-119. Lighting and ventilation requirements for bathroom and water closet compartments.**

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in sections 13-117 and 13-118, except that no window or skylight shall be required in such rooms if they are equipped with adequate

ventilating systems in good working condition and approved by the appropriate authorities.

(Code 1970, § 13-5.04; Ord. of 4-82)

### **Sec. 13-120. Electrical service, outlets and fixtures.**

- (a) Where there is usable electric service available from power lines which are not more than three hundred (300) feet away from a dwelling, every dwelling unit and all public and common areas shall be supplied with electric service, outlets and fixtures for lighting; all of which shall be properly installed, shall be in good and safe working condition, and shall be connected to the source of electric power in accordance with the National Electric Code currently enforced and in a manner prescribed by the ordinances, rules, and regulations of the city.
- (b) The minimum capacity of such service and the minimum number of outlets and lighting fixtures shall be as follows:
  - (1) Every habitable room of each dwelling unit shall contain at least two (2) separate and remote floor or wall-type electric convenience outlets, one of which may be a ceiling or wall-type electric light fixture.
  - (2) In the kitchen there shall be provided three (3) separate and remote wall-type convenience outlets, or two (2) such convenience outlets and one (1) ceiling or wall-type electric light fixture.
  - (3) Every public hall, water closet compartment, bathroom, laundry room, or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.
  - (4) Temporary wiring or extension cords shall not be used as permanent wiring.
  - (5) All electric lights and outlets in bathrooms shall be controlled by switches which are of such design as shall minimize the danger of electric shock, and such lights and outlets shall be installed and maintained in such condition as to minimize the danger of electrical shock.

(Code 1970, § 13-5.05; Ord. of 4-82)

### **Sec. 13-121. Lighting in public halls and stairways in multiple dwellings.**

- (a) Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or artificial light at all times, so as to provide at least six (6) footcandles of light at tread or floor level.
- (b) Every hall or stairway in structures devoted solely to dwelling occupancy and containing not more than two (2) dwelling units shall be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, as an alternative to the furnishing of full-time lighting.

(Code 1970, § 13-5.06; Ord. of 4-82)

### **Sec. 13-122. Responsibility for overloading.**



It shall be the sole responsibility of a tenant or one who occupies a dwelling unit to comply with the provisions of the ordinances of the city regulating the overloading of the electrical capacity of a dwelling unit by the illicit use of extension cords.

(Code 1970, § 13-5.07; Ord. of 4-82)

Secs. 13-123--13-130. Reserved.

## **DIVISION 6. MINIMUM THERMAL STANDARDS**

### **Sec. 13-131. Compliance with division required.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purposes of living therein, which does not comply with the requirements of this division.

(Code 1970, § 13-6.01; Ord. of 4-82)

### **Sec. 13-132. Heating facilities required; minimum temperature capability required.**

- (a) Every dwelling shall have provision made for the installation of heating facilities which are properly installed and are maintained in safe and good working condition, and which are capable of safely and adequately heating all habitable rooms, kitchens or kitchenettes, bathrooms and water closet compartments, in every dwelling unit therein to a temperature of at least sixty-five (65) degrees Fahrenheit with an outside temperature of zero (0) degrees Fahrenheit, with the reading taken at a distance of three (3) feet above floor level.
- (b) Heat where supplied by the owner shall be supplied in accordance with the applicable sections of the state basic building code.

(Code 1970, § 13-6.02; Ord. of 4-82)

**State law references:** Required heating, G.S. § 19a-109.

### **Sec. 13-133. Room heaters; requirements; approval.**

- (a) No owner or occupant shall install, operate or use any portable heater burning solid, liquid or gaseous fuels.
- (b) When a dwelling or dwelling unit is heated by room heaters, the following requirements shall apply: A permit must be received from the building department for installation; the unit must pass inspection before use.
  - (1) Every room heater burning solid, liquid or gaseous fuels shall be properly vented to a chimney or duct leading to outdoor space.
  - (2) Every coal or wood-burning room heater shall have a fire-resistant panel beneath it.
  - (3) Every room heater located close to a wall shall be equipped with insulation

sufficient to prevent overheating of the wall.

- (4) Every room heater smoke pipe shall be equipped with guards made of metal or other nonflammable material at the point where the pipe goes through the wall, ceiling or partition.
- (5) The above installations shall be annually inspected and approved by the city fire department or the chief building inspector.
- (c) The requirements of the state basic building code must be adhered to. Those include, but are not limited to, the provisions of the state basic building code, section 1822.5, or as amended.

(Code 1970, § 13-6.03; Ord. of 4-82)

Secs. 13-134--13-140. Reserved.

## **DIVISION 7. GENERAL SAFE AND SANITARY MAINTENANCE REQUIREMENTS**

### **Sec. 13-141. Compliance with division required.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, for the purpose of living therein, which does not comply with the requirements of this division.

(Code 1970, § 13-7.01; Ord. of 4-82)

### **Sec. 13-142. Maintenance standards for structural parts of dwellings--Foundation; roof; ceiling; walls; doors; floors; skylight windows.**

Every foundation, roof, ceiling, exterior and interior wall, door, floor, skylight window and accessory structure shall be weathertight, watertight and dampfree, and shall be kept in sound condition and good repair. Walls shall be capable of affording privacy for occupants.

(Code 1970, § 13-7.02; Ord. of 4-82)

### **Sec. 13-143. Same--Exterior surfaces.**

All exterior surfaces not inherently resistant to decay shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner. Toxic paint and materials shall not be used on such exterior surfaces as are readily accessible to children. All exterior surfaces shall be kept clean and free of foreign matter.

(Code 1970, § 13-7.03; Ord. of 4-82)

### **Sec. 13-144. Same--Windows; exterior doors; basement hatchways.**

Every window, exterior door and basement hatchway, or any similar device, shall be kept rodent-proof and weathertight and watertight, and shall be kept in sound working condition and good repair.

(Code 1970, § 13-7.05; Ord. of 4-82)

### **Sec. 13-145. Lead paint.**

- (a) Lead paint or potentially hazardous material on the interior surfaces of any dwelling unit, rooming unit, rooming house or on any fixtures or other objects used, installed in or located in or upon any exposed surface in any facility subject to letting or occupancy by children, is prohibited. Such interior surfaces include, but are not limited to, window sills, window frames, doors, door frames, walls, ceilings, stair-rails and spindles, and other appurtenances of the interior portion of the dwelling premises. Paint or other covering:
  - (1) Must conform to the standards of the American Standards Institute Z66 1-1964 (Z66 1-1964: a liquid coating material deemed suitable, from a health standpoint, for use on articles such as furniture, toys, etc., or for interior use in dwelling units where the dry film might be ingested by children).
  - (2) Shall not contain lead compounds of which the lead content (calculated as Pb) is in excess of .06 per cent of the total weight of the contained solids (including pigments, film solids and driers).
  - (3) Shall not contain compounds of antimony, arsenic, cadmium, mercury, or selenium of which the metal content individually or in total (calculated as Sb, As, Cd, Hg, Se, respectively) is in excess of .06 per cent by weight of the contained solids (including pigments, film solids and driers).
  - (4) Shall not contain barium compounds of which the water soluble barium (calculated as Ba) is in excess of one per cent of the total barium in such coatings.
- (b) All painted portions of all buildings used or intended to be used in whole or in part for human habitation shall be kept free of cracked, chipped, blistered, flaking, loose or peeling paint. Any such surface shall be completely cleaned of paint and repainted with a paint or other covering conforming to paragraph (c) of this section.
- (c) Where the director of health finds that the presence of cracked, chipped, blistered, flaking, loose or peeling paint constitutes a health hazard, or where upon inspection he discovers surfaces accessible to children to be coated with paint which does not conform to the standards of the American Standards Institute Z66 1-1964, he shall issue an order to the owner of the property upon which such hazard exists to eliminate such hazard under such safety conditions as he may approve. Such paint shall be completely removed from any surface which can be chewed or eaten by children or is otherwise accessible to children. In lieu of removal of such paint, such surface shall be covered with a durable material or substance approved by the director of health. Repainting of any surface without prior removal of hazardous paint thereon or prior preparation of any such surface in accord with such conditions as the director of health may approve shall not be deemed to be satisfactory compliance with this section.

(Code 1970, § 13-2.06; Ord. of 4-82)

**State law references:** Restrictions on sale and use of paint, G.S. §§ 19-65a--19-65f.

### **Sec. 13-146. Windows and doors to be screened against insects and rodents.**

- (a) From April first to October fifteenth, as protection against mosquitoes, flies, and other

insects, every door opening directly from a dwelling unit or hallway to outdoor space shall have supplied by the owner properly fitting screens and a self-closing device. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens.

- (b) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement or cellar which might provide an entry for rodents, shall be supplied with adequate gauge screen (as defined in the state building code) or such other device as will effectively prevent their entrance.

(Code 1970, § 13-7.07; Ord. of 4-82)

### **Sec. 13-147. Maintenance to prevent and/or eliminate rodent harborage; standing water.**

Every dwelling, multiple dwelling, rooming house or accessory structure and the premises on which it is located shall be maintained so as to prevent and eliminate the harborage of rodents. Premises shall be graded and drained, kept free of standing water, and maintained in a clean, sanitary and safe condition.

(Code 1970, § 13-7.08; Ord. of 4-82)

### **Sec. 13-148. Ratproofing.**

- (a) All openings in the exterior walls, foundations, basements, ground or first floors, and roofs which have an opening which is one-half inch or more in diameter shall be ratproofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings, or if such openings can be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other means, such as trees or lines, or by burrowing.
- (b) Skirting, lattice, or other non-rat-proof enclosures that can create a harboring place for rats under a porch or under any other portions of a building shall be rat-proofed at all locations where a rat could find, burrow, or gnaw an access opening.
- (c) In the event that occupancy usages would result in the stacking or piling of materials, the materials shall be so arranged as to prohibit the creation of a harbor for rats. This can be accomplished by orderly stacking and elevating such material so that there will be an eighteen (18) inch opening between the material and ground level. No materials shall be stacked or piled against the exterior walls of a structure.
- (d) All doors, including swinging, sliding and folding types, shall be constructed so that the space between the lower edge of the door and the threshold shall not exceed three-eighths (  $\frac{3}{8}$  ) inch. It is provided further that the space between sections of folding and sliding doors when closed shall not exceed three-eighths (  $\frac{3}{8}$  ) inch.
- (e) Poisons used for rodent control shall be those materials that are acceptable to the director of health.
- (f) If the space between two (2) buildings is too small to permit inspection of the exterior walls of such a building, such space shall be sealed so as to prevent the entrance of rats. Provisions shall be made in the ratproofing in such cases that drainage is not obstructed.

(Code 1970, § 13-7.09; Ord. of 4-82)

#### **Sec. 13-149. Fences.**

All fences provided by the owner or an occupant on the premises shall be constructed of manufactured metal fencing material, wood, masonry, or other inert material. Such fences shall be maintained in good condition. Wood materials shall be protected against decay by use of paint or other preservative. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of the state and the city. Whenever any egress from the dwelling opens into a fenced area, the fence shall include a means of egress from the premises to any public way adjacent thereto.

(Code 1970, § 13-2.10; Ord. of 4-82)

#### **Sec. 13-150. Accessory structures.**

Accessory structures on the premises shall be structurally sound and shall be maintained in good repair and free from insects and rodents, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives.

(Code 1970, §§ 13-7.04, 13-7.11; Ord. of 4-82)

#### **Sec. 13-151. Structural safety.**

- (a) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, gutter and downspout, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.
- (b) Every inside and outside stair or step shall have uniform risers and treads.

(Code 1970, § 13-7.12; Ord. of 4-82)

#### **Sec. 13-152. Handrails.**

- (a) Where the chief building inspector deems it necessary for safety, porches, stairways and/or balconies located more than three (3) feet higher than the adjacent area, shall have structurally sound protective handrails of the height required by the building code, and, if unenclosed, balustrades spaced no less than six (6) inches apart shall also be provided. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.
- (b) Alternate systems providing at least the same degree of protection, if approved by the building official, shall be acceptable.

(Code 1970, § 13-7.13; Ord. of 4-82)

#### **Sec. 13-153. Enclosure of porches.**

Porch and veranda enclosures consisting of removable glass or screen doors and

windows, and including pinned hinges and necessary sash for protection against the weather or insects, shall not constitute a violation of building line restrictions when the porch-or veranda so enclosed otherwise conforms to the building line restrictions of the city zoning code. No porch or veranda shall be used as an additional room for living or sleeping purposes, but shall be used only as a porch or veranda.

(Code 1970, § 13-7.14; Ord. of 4-82)

#### **Sec. 13-154. Plumbing fixtures.**

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

(Code 1970, § 13-7.15; Ord. of 4-82)

#### **Sec. 13-155. Supplied facilities; safe and effective.**

Every plumbing fixture and pipe, every chimney, flue and smoke pipe, and every other facility, piece of equipment, utility and heating apparatus, installed on the premises for the use of any dwelling unit or which is otherwise required under this article, shall be constructed and installed in conformance with the applicable local or state codes, and shall be maintained in satisfactory working condition.

(Code 1970, § 13-7.16; Ord. of 4-82)

#### **Sec. 13-156. Fire protection codes.**

All construction and materials, ways and means of egress, and installation and use of equipment shall conform with the appropriate statutes, ordinances and regulations dealing with fire protection of the city and the state.

(Code 1970, § 13-7.17; Ord. of 4-82)

#### **Sec. 13-157. Removal, discontinuance, of service facilities or utilities.**

No owner, operator or occupant of any dwelling unit shall cause any service, facility, equipment or utility which is required under this article to be removed from, or shut off from, or discontinued for, any premises containing an occupied dwelling or dwelling unit let or occupied hereunder, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the director of health or the chief building inspector.

(Code 1970, § 13-7.18; Ord. of 4-82)

#### **Sec. 13-158. Water closet compartment; bathroom floor surface.**

Every water closet compartment and bathroom floor surface shall be constructed and maintained so as to be impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(Code 1970, § 13-7.19; Ord. of 4-82)

**Sec. 13-159. Abandoned refrigerators and stoves; accumulations of trash.**

No owner, operator or occupant of a building shall leave abandoned refrigerators and/or stoves with or without doors removed on porches or other premises, nor permit the accumulation of trash on back porches and/or in yards, even where adequate trash pails or containers have not been provided.

(Code 1970, § 13-7.20; Ord. of 4-82)

Secs. 13-160--13-170. Reserved.

**DIVISION 8. SPACE, USE AND LOCATION REQUIREMENTS**

**Sec. 13-171. Compliance with division required.**

No person shall occupy or let to another to be occupied any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the requirements of this division.

(Code 1970, § 13-8.01; Ord. of 4-82)

**Sec. 13-172. Minimum floor space required for occupancy.**

Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant and at least one hundred (100) square feet of floor space for every additional occupant thereof; the floor space to be calculated on the basis of total habitable room area.

(Code 1970, § 13-8.02; Ord. of 4-82)

**Sec. 13-173. Minimum floor space required in sleeping rooms.**

In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for the first occupant, and at least fifty (50) square feet of floor space for each additional occupant thereof; provided that, any room occupied for sleeping purposes by a child under twelve (12) years of age may contain forty-two (42) square feet of floor space for each such child.

(Code 1970, § 13-8.03; Ord. of 4-82)

**Sec. 13-174. Ceiling height and minimum floor space.**

Every habitable room shall have a ceiling height and sufficient floor space so as to comply with the state basic building code. Ceiling height and floor area shall also comply with state statute (chapter 352, "Tenement House Act," section 19a-355 et seq.) when applicable.

(Code 1970, § 13-8.04; Ord. of 4-82)

**Sec. 13-175. Room arrangements.**

No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants or more than one sleeping room can be had by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

(Code 1970, § 13-8.05; Ord. of 4-82)

#### **Sec. 13-176. Use of space below grade as habitable room.**

- (a) No space located partially below grade shall be used as a habitable room or dwelling unit unless approved by the director of health and unless:
  - (1) The floor and those portions of the walls below grade are of waterproof and dampproof construction;
  - (2) The minimum window area is equal to at least that required in section 13-117, and such window area is located entirely above the grade of the ground adjoining such window area; and
  - (3) The total openable window area in each room is equal to at least the minimum as required under section 13-118, except where some other devices affording adequate ventilation and humidity control are supplied and approved by the director of health.
- (b) Cellars shall never be used as habitable rooms or dwelling units.

(Code 1970, § 13-8.06; Ord. of 4-82)

#### **Sec. 13-177. Storage space.**

Every dwelling unit shall have a closet or storage space of at least four (4) square feet, floor to ceiling height, for the personal effects of each of the permitted number of occupants of that dwelling unit. If such required closet or storage space is lacking, an amount of space equal in square footage to the deficiency shall be subtracted from the area of the habitable room space to be used in determining the number of occupants to be permitted in the dwelling unit.

(Code 1970, § 13-8.07; Ord. of 4-82)

#### **Sec. 13-178. Number of occupants.**

A dwelling unit shall not be occupied by more than one family plus two (2) occupants unrelated to the family, other than guests, unless a permit for a rooming house has been granted by the appropriate authority.

(Code 1970, § 13-8.08; Ord. of 4-82)

**State law references:** Overcrowding in tenement and lodging houses, G.S. § 47a-54a.

#### **Sec. 13-179. Storage for toxic materials.**

For the purpose of ensuring the safety of children in the residential environment, each dwelling shall have a facility suitable for the safe storage of medicines, toxic materials, and



various poisonous household substances, including, but not limited to, ammonia, paint and gasoline.

(Code 1970, § 13-8.09; Ord. of 4-82)

#### **Sec. 13-180. Limit of dwelling unit access to commercial uses.**

No habitable room, bathroom, or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, club, or any similar room used for public or commercial purposes.

(Code 1970, § 13-8.10; Ord. of 4-82)

Secs. 13-181--13-190. Reserved.

### **DIVISION 9. ROOMING HOUSES**

#### **Sec. 13-191. Compliance with division required.**

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house which is not in compliance with the provisions of every section of this article except the provisions of sections 13-77 through 13-101. Every rooming unit shall comply with all provisions applicable to a "habitable room."

(Code 1970, § 13-9.01; Ord. of 4-82)

#### **Sec. 13-192. Permit--Required.**

No person shall operate a rooming house unless he holds a valid rooming house permit issued by the director of health after concurrence of the building department and the fire department. The permit must be issued in the operator's name and be issued for the specific dwelling or dwelling unit. Rooming units must pass inspection by building and fire departments before permit will be issued.

(Code 1970, § 13-9.02; Ord. of 4-82)

**Cross references:** Licenses, permits and miscellaneous business regulations, Ch. 14.

#### **Sec. 13-193. Same--Application required.**

Every person required to obtain a permit to operate a rooming house under this division shall file a written, sworn application for such rooming house permit with the director of health.

(Code 1970, § 13-9.03; Ord. of 4-82)

#### **Sec. 13-194. Same--Issuance; fees.**

No permit to operate a rooming house shall be issued unless the rooming house for which the permit is sought is found after inspection to meet the applicable requirements of this article and any rules and regulations adopted pursuant thereto. The annual fee for any such

permit shall be a minimum of fifty dollars (\$50.00) or two dollars (\$2.00) per year per room.

(Code 1970, § 13-9.05; Ord. of 4-82; Ord. of 4-90, § 6)

**Sec. 13-195. Same--Hearing on denial.**

Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing on the matter before the department concerned under the procedure provided by sections 13-55 through 13-57.

(Code 1970, § 13-9.07; Ord. of 4-82; Ord. of 7-01)

**Sec. 13-196. Same--Expiration.**

Every permit to operate a rooming house shall expire on March first of every year, unless suspended sooner as provided for in this division.

(Code 1970, § 13-9.06; Ord. of 4-82)

**Sec. 13-197. Same--Conspicuous display required.**

Each permit to operate a rooming house shall be displayed in a conspicuous place within the rooming house at all times.

(Code 1970, § 13-9.08; Ord. of 4-82)

**Sec. 13-198. Same--Not transferable.**

Permits to operate rooming houses are not transferable. Any person succeeding to the ownership or control of a rooming house shall apply for a permit as required by the provisions of this division.

(Code 1970, § 13-9.13; Ord. of 4-82)

**Sec. 13-199. Same--Suspension for failure to correct violations.**

At the end of the time allowed for correction of any violation cited, the director of health shall reinspect the rooming house, and if it is found that such conditions or practices have not been corrected, notice in writing shall be given to the operator that his permit has been suspended. Upon receipt of such notice of suspension, the operator shall immediately cease operation of the rooming house and no person shall occupy any rooming unit therein for sleeping or living purposes.

(Code 1970, § 13-9.10; Ord. of 4-82)

**Sec. 13-200. Same--Hearing on suspension.**

Any person whose permit to operate a rooming house has been suspended, or who has received notice from the department concerned that his permit may be suspended unless existing conditions or practices at the rooming house are corrected, may request and shall be granted a hearing on the matter before the housing board of appeals under the procedures provided by sections 13-55 through 13-57.

(Code 1970, § 13-9.11; Ord. of 4-82; Ord. of 7-01)

**Sec. 13-201. Same--Revocation when notice of violation sustained; effect of failure to petition for hearing.**

When a notice of violation has been sustained by the housing board of appeals any permit suspended by the notice shall be deemed revoked. If a petition for a hearing has not been filed in the office of the housing board of appeals within ten (10) days following the day on which the permit was suspended, the permit shall be deemed to have been automatically revoked.

(Code 1970, § 13-9.12; Ord. of 4-82)

**Sec. 13-202. Applicability of rooming house provisions to hotels and motels.**

Every provision of this article which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found to be in conflict with the laws of the state or with lawful regulations of any state board or agency.

(Code 1970, § 13-9.04; Ord. of 4-82)

**Sec. 13-203. Notice of violations to be served on operator.**

Upon inspection of any rooming house, whenever conditions or practices are found to exist which are in violation of any provisions of this article or of any applicable rule or regulation adopted pursuant thereto, the director of health shall serve the operator of the rooming house with notice of such violation in the manner provided in this article. Such notice shall state that unless the violations cited are corrected within a reasonable time, the operator's permit shall be suspended.

(Code 1970, § 13-9.09; Ord. of 4-82)

**Sec. 13-204. Notice of transfer, sale or other disposal required.**

Every person holding a permit to operate a rooming house shall give notice in writing to the health department within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of his ownership, interest or control of any such rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house.

(Code 1970, § 13-9.13; Ord. of 4-82)

**Sec. 13-205. Operator to maintain sanitary condition.**

Every operator of a rooming house shall be responsible for the sanitary maintenance of every part of the rooming house, including walls, floors and ceilings, and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

(Code 1970, § 13-9.14; Ord. of 4-82)

**Sec. 13-206. Facilities required in rooming houses.**

At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the director of health and in good working condition shall be supplied for each six (6) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities, provided that:

- (1) In a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half ( 1/2) the required number of water closets;
- (2) All such facilities shall be on the same floor as the rooms which they service and shall be so located within the rooming unit as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities;
- (3) Every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times;
- (4) No such facilities shall be located in a basement, except with written approval of the director of health.

(Code 1970, § 13-9.15; Ord. of 4-82)

**Sec. 13-207. Bed linen and towels.**

The operator of every rooming house shall change supplied bed linen and towels at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for maintaining all supplied bedding in a clean and sanitary manner.

(Code 1970, § 13-9.16; Ord. of 4-82)

**Sec. 13-208. Minimum floor space in sleeping rooms.**

Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor space for each occupant thereof, and every room occupied for sleeping purposes by a child under twelve (12) years of age shall contain at least forty-two (42) square feet of floor space for each child.

(Code 1970, § 13-9.17; Ord. of 4-82)

**Sec. 13-209. Means of egress from rooming units required.**

Every rooming unit shall have access to two (2) or more safe, unobstructed means of egress, either by inside stairways or outside fire escapes, to safe and open space at ground level, as required by the laws of the state and of the city. Outside fire escapes shall be accessible through exit doors located as remotely as possible from inside stairways. All exit doors shall open outward, be equipped with panic hardware and have an exit light over them. All exits must comply with the state basic building code and the state fire safety code.

(Code 1970, § 13-9.18; Ord. of 4-82)

**Sec. 13-210. Restriction on occupancy by blind or bed-ridden persons.**

No room or bed in any rooming house above the first floor shall be occupied by a blind or bedridden person unless such rooming house is constructed of fire resistant materials and is equipped with a sprinkler system approved by the fire department.

(Code 1970, § 13-9.19; Ord. of 4-82)

**Sec. 13-211. Egress.**

Access to or egress from each rooming unit shall be provided without passing through any other rooming unit.

(Code 1970, § 13-9.20; Ord. of 4-82)

**Sec. 13-212. Sanitary units.**

No owner or other person shall occupy or let to another any rooming unit or dormitory room unless it is clean and sanitary and complies with all applicable requirements of the city pertaining to a habitable room.

(Code 1970, § 13-9.21; Ord. of 4-82)

**Sec. 13-213. Cooking.**

Cooking in rooming units and dormitories is prohibited.

(Code 1970, § 13-9.22; Ord. of 4-82)

**Sec. 13-214. Locks.**

Access doors to rooming units, dormitory rooms, shall have operating locks to ensure privacy.

(Code 1970, § 13-9.23; Ord. of 4-82)

Secs. 13-215--13-225. Reserved.

**DIVISION 10. TRAILERS****Sec. 13-226. Prior approval for locating trailers required.**

No trailers, mobile homes, trailer coaches or automobile trailers designed for living quarters shall be located in any area without first obtaining approval therefor from the zoning board of appeals and the common council.

(Code 1970, § 13-10.01; Ord. of 4-82)

Secs. 13-227--13-235. Reserved.

## **DIVISION 11. RESERVED\***

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**\*Editor's note:** An ordinance adopted in November, 1994, repealed § 13-236, which comprised Ch. 13, Art. II, Div. 11. Former § 13-236 pertained to certificates of occupancy for tenement houses containing three or more housing units and derived from Code 1970, § 13-13.01 and Ord. of 4-82.

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Secs. 13-236--13-250. Reserved.

## **ARTICLE III. CONDOMINIUM CONVERSIONS\***

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**\*Cross references:** Commission on human rights and opportunities, § 2-191 et seq.

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### **Sec. 13-251. Determination of moving and relocation expenses.**

Pursuant to the provisions of section 47-88d of the general statutes (an act concerning condominium conversion and the encouragement of new rental housing) the city sets the amount of moving and relocation expenses to be paid to each household eligible under that section as follows: Two (2) months' rent or one thousand dollars (\$1,000.00).

(Ord. of 10-80)

Secs. 13-252--13-259. Reserved.

## **ARTICLE IV. PENALTIES**

### **Sec. 13-260. Violation of chapter.**

Any person who shall violate any provision of this chapter, may, upon conviction, be punished by a fine of not more than ninety dollars (\$90.00) and/or by imprisonment for not more than thirty (30) days and each day's failure to comply with any such provision shall constitute a separate violation.

(Ord. of 1-89; Ord. No. 28269-2, 11-18-04)

## **Chapter 14 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS\***

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**\*Cross references:** Amusements activities license required, § 5-16 et seq.; mechanical amusement device license required, § 5-53 et seq.; licensing and registration of dogs required, § 6-17; pigeon trapping permits, § 6-36; building permit fees, § 7-1; permit required for moving